

REMARKS

Claims 1-27 are pending in this application. Claims 1-27 are rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over McCartan et al. (U.S. Patent 6,270,460), hereafter McCartan. Claims 20-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over McCartan in view of Ramamurthy et al. (U.S. Patent 7,156,551), hereafter Ramamurthy. Applicants respectfully traverse these rejections for at least the reasons set forth below.

The Office Action asserts that with respect to independent claims 1 and 24, McCartan discloses all the elements of these claims except teaching “storing the information outside of the probe.” (Office Action, page 2). The Office Action states that McCartan teaches “using the system to send messages (steps 610, 710, 810), therefore it would have been obvious to one of ordinary skill in the art to save the message to ensure that only those probes which require disabling are disabled and to save a record to show why the probe was disabled.” (Office Action, page 2).

Independent claim 1 recites a method for tracking use of an ultrasound probe that includes “storing tracking information within a memory in a connector of an ultrasound probe removably connectable to an ultrasound system” and “accessing the stored tracking information within the connector of the ultrasound probe.” Independent claim 24 recites an ultrasound system that includes, among other elements “an ultrasound probe having a connector for removable connection to the ultrasound scanner, the connector having a memory for storing tracking information.” Each of these claims includes storing the tracking information in a memory of a connector of an ultrasound probe.

The message displayed in McCartan is displayed only after the probe has been disabled (see, e.g., McCartan, column 6, line 20 to column 7, line 20 and figures 6 through 8). The displayed message indicates to the user that the probe is unavailable having already been disabled. Thus, there is no reason to save the message to ensure that only those probes that require disabling are disabled as stated in the Office Action. The message is to alert the user that the probe already has been disabled. Additionally, the only reason that a probe is disabled in the system of McCartan is if the maximum number of uses has been exceeded as determined by blown fuses or a count value. Accordingly, there is no need to save a record to show why the probe was disabled as set forth in the Office Action. Moreover, mere conclusory statements (as is the case here) are insufficient to support an obviousness rejection. The Office is required to articulate reasoning with some rational underpinning to support the legal conclusion of obviousness. Thus, claim 1 and 24 are not rendered obvious by McCartan.

Even assuming, *arguendo*, that the it would have been obvious to store “information outside the probe” as asserted in the Office Action (Office Action, page 2), independent claims 1 and 24 do not recite storing information outside a probe, but instead recite storing the tracking information *in a memory of a connector* of an ultrasound probe. The general teaching of storing information outside a probe does not render unpatentable the recitation in the claims of storing tracking information in a memory of a connector. Applicants are not claiming storing information generally outside the probe, but in a memory of a connector that is outside the probe. The connector of the probe of McCartan does not have a memory within a connector of the probe nor would one skilled in the art be motivated to modify the probe of McCartan as suggested in the Office Action. The teaching of such a memory in a connector for storing tracking information is not obvious. The messages of McCartan are sent to the ultrasound scanner for display. There are no display means on the probe or connector of McCartan. Accordingly, the information necessarily would not be sent to the connector and, thus, would not be stored therein. Connectors for probes are used for connection to an ultrasound system to transfer data therebetween, and not for storing information therein. Thus, Applicants submit that independent claims 1 and 24 are allowable.

The Office Action then asserts with respect to independent claim 20 that McCartan “does not teach checking and storing temperature information.” (Office Action, page 6). The Office Action then states that Ramamurthy describes “checking faults in ultrasound equipment (title) using temperature...” (Office Action, page 6). The Office Action then concludes that it would have been obvious to “modify the system as disclosed by McCartan with the temperature-checking feature as disclosed by Ramamurthy as both are directed toward ensuring proper functioning of ultrasound equipment and further, Ramamurthy teaches this as being used to upgrade ultrasound equipment already in use ...” (Office Action, page 6).

Independent claim 20 recites a method for tracking use of an ultrasound probe including, among other elements “accessing temperature information when a determination is made that the ultrasound probe is connected to the ultrasound system, the temperature information based on thermistor measurements from the ultrasound probe.” The system of Ramamurthy specifically describes measuring temperature *without* the addition of new electronics or hardware retrofits (see, e.g., abstract of Ramamurthy). Thus, it would not be obvious to add a thermistor to the probe of McCartan to measure temperature because Ramamurthy teaches the measurement of temperature without the addition of such hardware. Accordingly, one skilled in the art would not be motivated to add a thermistor to the probe of McCartan based on the teachings in Ramamurthy. Thus, applicants submit that independent claim 20 is allowable.

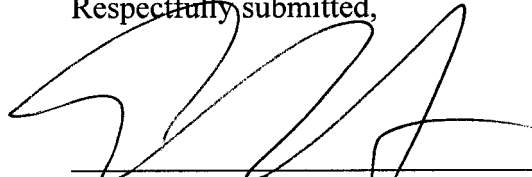
Applicants further submit that dependent claims 2-19, 21-23 and 25-27 recite subject matter not anticipated or rendered obvious by the cited prior art. Moreover, dependent claims 2-19, 21-23 and 25-27 are likewise patentable based at least on the dependency of these claims from the independent claims.

In view of the foregoing remarks, it is respectfully submitted that the prior art neither anticipates nor renders obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in

PATENT
146185 (553-1102)

condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Evan Reno Sotiriou', written over a horizontal line.

Evan Reno Sotiriou
Registration No. 46,247
THE SMALL PATENT LAW GROUP LLP
611 Olive Street
Suite 1611
St. Louis, MO 63101
314-584-4082